

FILED**OCT 02 2024**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

John M. Domurad, Clerk - Syracuse

UNITED STATES OF AMERICA**v.**

RADU-LUCIAN GRIGORAS,
aka "Milan Kulhanek," and
GHEORGHE NISTOR,

Defendants.) Criminal No. **5:24-cr-409 (DNH)**) **Indictment**

) Violations: 18 U.S.C. § 1344
) [Financial Institution Fraud]

) 18 U.S.C. § 1028A
) [Aggravated Identity Theft]

) 4 Counts and Forfeiture Allegation

) County of Offense: Onondaga

THE GRAND JURY CHARGES:

1. At times material to this indictment, Victim Credit Union #1 was a financial institution with branches in Onondaga County, New York, and elsewhere. The deposits of Victim Credit Union #1 were insured by the National Credit Union Share Insurance Fund.

THE SCHEME

2. Beginning no later than in or about April 2024 and continuing through at least in or about August 2024, in the Northern District of New York and elsewhere, the defendants, RADU-LUCIAN GRIGORAS aka "Milan Kulhanek," and GHEORGHE NISTOR, aided and abetted by each other, knowingly participated in a scheme and artifice to defraud a financial institution and to obtain moneys, funds, and assets owned by, and under the custody and control of, a financial institution by means of materially false and fraudulent pretenses and representations, which scheme is further described below.

3. It was part of the scheme that the defendants RADU-LUCIAN GRIGORAS aka "Milan Kulhanek," and GHEORGHE NISTOR installed and attempted to install skimming

devices and pinhole cameras within ATMs belonging to financial institutions including Victim Credit Union #1 and others. Skimming devices are electronic devices installed inside ATMs to surreptitiously capture and store the debit card information (including the unique debit card account number) of unsuspecting individuals who conducted and attempted to conduct transactions at those ATMs. Pinhole cameras are small devices used to record video and store the video on removable digital storage media. The defendants positioned the pinhole cameras to view an ATM's keypad to record and observe the financial institution customers entering their Personal Identification Numbers (PINs) to conduct ATM transactions.

4. It was further part of the scheme that the defendants RADU-LUCIAN GRIGORAS aka "Milan Kulhanek," and GHEORGHE NISTOR returned to the affected ATMs after a period of approximately one to five days to remove and attempt to remove the skimming devices and pinhole cameras from the ATMs.

5. It was further part of the scheme that the defendants RADU-LUCIAN GRIGORAS aka "Milan Kulhanek," and GHEORGHE NISTOR caused the stolen account information to be encoded onto the magnetic strips of other cards (re-encoded cards) that they obtained for that purpose.

6. It was further part of the scheme that the defendants RADU-LUCIAN GRIGORAS aka "Milan Kulhanek," and GHEORGHE NISTOR used the re-encoded cards and stolen PINs to fraudulently execute and attempt to execute ATM withdrawals from the associated customers' accounts.

7. It was further part of the scheme that the defendant RADU-LUCIAN GRIGORAS aka "Milan Kulhanek," rented vehicles from an internet car-sharing marketplace, which vehicles

the defendants RADU-LUCIAN GRIGORAS aka “Milan Kulhanek,” and GHEORGHE NISTOR used to travel to financial institutions in furtherance of the scheme.

8. It was further part of the scheme that the defendants traveled to financial institutions in different locations to execute and attempt to execute the scheme, including locations in New York, Kansas, Missouri, and Pennsylvania.

9. It was further part of the scheme that the defendants’ actions exposed the financial institutions to a risk of loss and caused actual losses to the financial institutions.

10. It was further part of the scheme that the defendants RADU-LUCIAN GRIGORAS aka “Milan Kulhanek,” and GHEORGHE NISTOR misrepresented, concealed, and hid, and caused to be misrepresented, concealed, and hid, certain material facts, including the purposes of, and acts done in furtherance of, the scheme.

11. As a result of the scheme, the defendants, RADU-LUCIAN GRIGORAS aka “Milan Kulhanek,” and GHEORGHE NISTOR, fraudulently withdrew or caused withdrawals of cash in excess of approximately \$175,543.

COUNTS ONE and TWO
[Financial Institution Fraud]

12. Paragraphs 1 through 11 of this indictment are incorporated here.

13. On or about the dates and in the manner indicated as to each count below, in Onondaga County, in the Northern District of New York, the defendants, RADU-LUCIAN GRIGORAS aka “Milan Kulhanek,” and GHEORGHE NISTOR, aided and abetted by each other, knowingly executed and attempted to execute a scheme and artifice to defraud a financial institution, in violation of Title 18, United States Code, Section 1344(1):

| Count | Date | Manner |
|--------------|--------------|---|
| ONE | June 8, 2024 | Withdrawal of approximately \$260 from the Victim Credit Union #1 account of T.M. |
| TWO | June 9, 2024 | Withdrawal of approximately \$1,000 from the Victim Credit Union #1 account of T.S. |

COUNTS THREE and FOUR
[Aggravated Identity Theft]

14. On or about the dates specified as to each count below, in Onondaga County in the Northern District of New York, and elsewhere, the defendants, RADU-LUCIAN GRIGORAS aka “Milan Kulhanek,” and GHEORGHE NISTOR, aided and abetted by each other, during and in relation to a felony violation contained in Chapter 63 of Title 18 of the United States Code, that is, financial institution fraud charged in Counts One and Two of this indictment, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, that is, the debit card account number and PIN of the individuals whose information was possessed and used on the dates specified below, during and in relation to the offenses charged in Counts One and Two of this indictment. All in violation of Title 18, United States Code, Section 1028A(a)(1).

| Count | Date | Individual |
|--------------|--------------|-------------------|
| THREE | June 8, 2024 | T.M. |
| FOUR | June 9, 2024 | T.S. |

FORFEITURE ALLEGATION

The allegations contained in Counts One and Two of this indictment are incorporated here for the purposes of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(2)(A).

Upon conviction of offenses in violation of Title 18, United States Code, Section 1344, set forth in Counts One and Two of this indictment, the defendants, **RADU-LUCIAN GRIGORAS** aka “Milan Kulhanek,” and **GHEORGHE NISTOR**, shall forfeit to the United

States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(A), all right, title and interest in any property constituting, and derived from, proceeds obtained directly and indirectly, as a result of such violation. The property to be forfeited includes, but is not limited to, a money judgment in an amount no less than \$175,543 in U.S. currency.

Substitute Assets

If any of the property described above, as a result of any act or omission of the defendants:

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third party;
- c) has been placed beyond the jurisdiction of the Court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

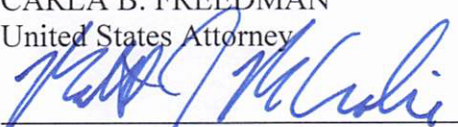
Dated: October 2, 2024

A TRUE BILL, **NAME REDACTED

Grand Jury Foreperson

CARLA B. FREEDMAN
United States Attorney

By:


MATTHEW J. McCROBIE
Assistant United States Attorney
Bar Roll No. 702739